IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 168 of 1988

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VAGHARI CHUNA MOTI

Versus

SHIVABHAI MULDAS PATEL

Appearance:

1. Appeal from Order No. 168 of 1988

MR MC SHAH for Appellant No.

..... for Appellant No.

(MR.MOHIT S SHAH) for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 12/01/2005

ORAL JUDGEMENT

1. The appellant has by way of this Appeal from Order challenged the order dated 16th September, 1997

below injunction application at Exh. 5 in Special Civil Suit No. 178 of 1984 passed by learned Civil Judge (S.D.), Mehsana, whereby the trial Court has granted ad-interim injunction till the disposal of the suit.

2. Having perused the relevant record, it appears that this Court had on 20th April, 1988 passed the following order on the Civil Application :-

> "After hearing the learned advocates of both parties, it is directed that the petitioners original defendants shall furnish sufficient security to the satisfaction of the trial court so as to meet the claim of the plaintiff. On this security being furnished, the interim injunction dated 16th September, 1987 granted by the trial Judge below Exh. 5 in Special Civil Suit No. 178 of 1984 shall stand vacated. If the security is not furnished, of course, that order will continue. The learned trial Judge will hear both the sides on the question of fixing adequate security to be furnished by the petitioner as per this order.
>
> C.A. stands disposed of accordingly. No costs."

3. In that view of the matter, if the appellant has not furnished the security, the order passed by the Trial Court shall revive and if the appellant has furnished the security as directed by this Court, the same shall be subject to the outcome of the Suit. Thus, the Appeal from Order stands disposed of in terms of the order dated 20th April, 1988.

[K.S. JHAVERI, J.]

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